



LAPORTE COUNTY BOARD OF ZONING APPEALS

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ANNEMARIE POLAN
Building Commissioner

July 15th, 2014

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, July 15, 2014, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Candice Nelson
 Glen Minich Wally Pritz
 Dwayne Hogan

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Attorney David McCain;
Darlene Pavey, Secretary.

Pledge of Allegiance.

Dwayne Hogan asked for a Motion for approval of the meeting minutes of May 20th, 2014.

Melissa Mullins Mischke made a Motion to approve the minutes of June 17th as presented.
Candice Nelson seconded.

Dwayne Hogan asked if there are any questions, comments or concerns.

All approved. Motion carried 5-0.

Dwayne Hogan said that Petition No. 1; the Petition for Katrina Watts and Petition No. 5; the Petition for Allen & Heather Stevens (buyers) and Sharon Hamilton, (Seller) are postponed.

Annemarie Polan, Building Commissioner said that they are withdrawn.

7-15-2014 BZA Minutes

2. The Petition for Vernon Ringler & Jennifer Mireles to construct a pole barn style garage in front of the residence, as well as having a second pole barn on this property. This property is located at 7557 E. Tulip Lane, New Carlisle, Hudson Twp., Zoned R1B.

Attorney McCain said that legal is adequate.

Dwayne Hogan asked for name and address for the record.

Jennifer Mireles, 8766 N. Cottonwood Lane, New Carlisle.

Dwayne Hogan asked Ms. Mireles what she would like to do this evening.

Ms. Mireles said that she would like to have your approval for the garage to be built in front of the house and the pole barn would be on the east of the property twenty-five feet. Ms. Mireles said that she's not sure of the garage. – it might be twenty –twenty-two or twenty-three.

Melissa Mullins Mischke asked if that measurement is off the end of the pavement.

Ms. Mireles stated yes.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 2.

Dwayne Hogan asked if there are any questions or comments from the board.

Melissa Mullins Mischke told Ms. Mireles that it looks like in some of the photographs there are some sheds – Melissa asked if those are going to be removed and replaced with a pole barn.

Ms. Mireles said that the little one will be completely gone and the wood structure is going to be moved to the north and used for a lawnmower. Ms. Mireles said that the pole barn will contain three vehicles, a boat and a truck.

Dwayne Hogan asked Ms. Mireles if she's going to remove some trees.

Ms. Mireles stated no.

Melissa Mullins Mischke asked if the proposed pole barn 30 x ?

Ms. Mireles said it will be 36x40.

Dwayne Hogan asked if it will have well and septic in it.

Ms. Mireles stated no. Ms. Mireles said that she will have electric in the pole barn.

Melissa Mullins Mischke asked if the new garage would have electric and water.

Ms. Mireles said that the garage is going to be a man held garage door.

Melissa Mullins Mischke asked Ms. Mireles the size of the garage.

Ms. Mireles said that it will be 12x20. Ms. Mireles said that they tried to get it one-hundred forty four (144) square feet. Ms. Mireles said that her brother has a Ford Edge and it just wouldn't fit.

Ms. Mireles is up at the bench going over the site plan with the Board members.

Dwayne Hogan asked if there are any other questions, comments, or concerns.

Dwayne Hogan said that he will entertain a Motion.

Melissa Mullins Mischke made a Motion that the Petition for Vernon Ringler & Jennifer Mireles to construct a pole barn style garage in front of the residence, as well as having a second pole barn on this property, located at 7557 E. Tulip Lane, New Carlisle, Hudson Twp., zoned R1B be granted.

Dwayne Hogan asked for a second.

Candice Nelson seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

All approved. Motion carried 5-0.

3. The Petition for Joseph C. & Patricia Putnam to continued placement of a mobile home under new ownership. This property is located at 8749 E. Sunnyside Dr., New Carlisle, Hudson Twp., zoned R1B.

Attorney McCain said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Joseph Putnam, 8749 E. Sunnyside Drive, New Carlisle.

Dwayne Hogan asked Mr. Putnam what he would like to do this evening.

Mr. Putnam said that he would like to renew the variance on this property so they can continue there.

Dwayne Hogan asked Mr. Putman when he got his last variance.

Mr. Putnam said that they never have. Mr. Putnam said that the previous owner had gotten one and it had expired actually when they bought it.

Dwayne Hogan asked Mr. Putnam when it expired.

Mr. Putnam said a year ago.

Dwayne Hogan asked if we've heard this Petition before for this residence.

Annemarie Polan, Building Commissioner, stated yes.

Annemarie Polan, Building Commissioner, said that it's well-kept and nice.

Dwayne Hogan asked Annemarie if he has the meeting minutes for this.

Annemarie Polan stated no.

Dar Pavey said the last name was "Panzke". Dar told the Board members that they came every three (3) years religiously and I don't think that this is even expired at this point. Dar told the Board members that she pulled the file out to give pictures of this home to Annemarie.

Glen Minich said that's the problem. Glen said that we remember this only by a year ago.

Dwayne Hogan and Melissa Mullins Mischke said that he had a for sale sign on this when they came in the last time.

Glen Minich said that when they came in we specifically said that we would give them a variance and it would not be transferred and we will most likely not allow that. Glen said you should not be selling this trailer as a home.

Dwayne Hogan said that the issue is granting a variance under the stipulation and the total understanding that it was nontransferable and to him only as long as he was there for the three year renewable. Dwayne Hogan said that he thinks that we might have to peak at the record on this and he doesn't think that our attorney has that with him.

Attorney McCain said that he would suggest that we look at the minutes and there should have been Findings of Fact entered. Attorney McCain asked Mr. Putnam if he understands what they're discussing.

Mr. Putnam said that he understands, but that's not what they were told.

Attorney McCain said that we want to make sure that we're working on correct information on what occurred last time and you will certainly want to know what the official record was.

Board members speaking amongst themselves.

Mr. Putnam asked what would be the reason that this would not be granted.

Attorney McCain said that the Board cannot speculate whether it may or may not be granted; it wants to make sure it has all the correct information on which it based its decision and part of that is what it decided last time. Attorney Biege said that the members can't contemplate or give you a feeling what they may decide because they haven't heard any evidence yet.

Mr. Putnam said that he understands that and that wasn't exactly his question. Mr. Putnam said that his question was what would be a reason why this couldn't be granted.

Attorney McCain said that their concern is in the last renewal they may have decided that there would be no further renewals. Attorney McCain said that is what they want to check on. Attorney McCain said that if the last Petitioner was told that there will be no further renewals, that's going to be very relevant how they discuss and handle your request.

Melissa Mullins Mischke said that she will make a Motion to postpone the Petition for Joseph & Patricia Putnam until the August 19th meeting.

Glen Minich seconded.

Dwayne Hogan asked if there are any other questions, comments, or concerns on that.

All approved. Motion 5-0,

4. The Petition for John E. Minogue and Theresa D. Minogue, by attorney William Hedge to construct a twenty-two (22') feet by twenty-four (24') feet garage adjacent to the present residence. This garage will be located approximately one (1) foot from the side yard, will be located on the rear property line, and will be the third structure on petitioner's property. This property is located at 1214 Shady Lane, Walkerton, Lincoln Twp., zoned R1B.

Attorney McCain said that notice is appropriate and we have consents from all of the adjoining property owners.

Dwayne Hogan asked for name and address for the record.

William Hedge said that he's the attorney for the petitioners and his address is 1033 Indiana Avenue, La Porte, Indiana.

Dwayne Hogan asked attorney Hedge what he would like to do this evening.

Attorney Hedge said that his clients want to put up a twenty-four (24') foot garage on the back yard property line and close to the side yard property line. Attorney Hedge said that technically the garage would be located on the back property line, but they own the lot behind it also.

Dwayne Hogan asked if that is their property.

Attorney Hedge stated yes.

John Minogue said that there is an easement and they have lots behind there, it's just not exactly right behind -- a portion of it would be. Mr. Minogue said a portion of it would be and there is a portion of those back lots that would be his neighbors and they are his cousins.

Attorney Hedge said that it's kind of L-shaped.

Mr. Minogue said that the line that they're proposing to be on is right where the easement is -- a three (3') foot easement.

Board members speaking with attorney Hedge up at the bench going over the site plan.

Glen Mnich asked Mr. Minogue when he was investigating this -- are some of the other properties that close to the lot lines in that vicinity.

Mr. Minogue stated yes. Mr. Minogue said that the house next to him and another as well, and they have their garage which is actually built right on the lot line as well.

Glen Minich wanted attorney Hedge to explain to him the break in the line which is shown on the Beacon site. Is that actually an easement?

Attorney Hedge stated no -- not that he could find. Attorney Hedge said that he actually went to the Plat book and looked at both subdivisions.

Glen Minich said that when we say the building is going to go on the rear lot line, there is still that three (3') feet of buffer that sits behind the property.

Attorney Hedge said plus you have the back yard. Attorney Hedge said that it's not uncommon for the area to his understanding.

Wally Pritz going over the site plan with Mr. Minogue.

Mr. Minogue said that the corner of the garage would be at least twenty to twenty-five feet away from the house.

Dwayne Hogan asked Mr. Minogue if he plans on putting a septic in it.

Mr. Minogue stated no.

Dwayne Hogan asked Mr. Minogue if he's going to put electric and water in this.

Mr. Minogue said just electric.

Glen Minich asked Mr. Minogue if he could approach the bench to draw on the site plan where he's approximately where it's going to be. Mr. Minich said that there is a question as to if this is going to come forward to the neighbor's property building which is on the lot line. Glen said that we kind of need to know that there is going to be some space between those buildings.

Mr. Minogue is up at the bench.

Mr. Minogue said that it's at least a foot or two off the property line.

Board members speaking amongst themselves.

Dwayne Hogan asked if there are any remonstrators here this evening.

Dwayne Hogan asked if there are any other questions, comments, or concerns.

Melissa Mullins Mischke said that she realizes that these lots are all really tight – just because the house next door is built up to the property line and the house on the other side is built up to the property, she personally just feels like it's not a practice that she wants to continue or we're never going to get a handle on it.

Glen Minich said that his main concern with all these is always in case there was a fire there or something. Glen said that the two neighboring properties are so close that one is going to just about ignite the other.

Glen Minich asked Mr. Minogue if his garage is going to be asphalt roof, or metal.

Mr. Minogue said that he was planning on asphalt.

Melissa Mullins Mischke asked if it's going to have electric ran to it.

Mr. Minogue said that he would like it to have electric.

Dwayne Hogan asked if there are any questions.

Attorney Hedge said that his only response to your comment is about the fire. Attorney Hedge said that it will have access to both front and back.

Mr. Minogue said that the only other thing that would be adjacent or anywhere close to it would be that neighbor's shed and it's really small.

Wally Pritz said that he doesn't see any reason being concerned with the shed being so far in the back that it's going to make a difference.

Dwayne Hogan asked if there are any other questions, comments, or concerns.

Candice Nelson made a Motion that the Petition for John E. Minogue and Theresa D. Minogue to construct a twenty-two (22) foot by twenty-four (24) foot garage adjacent to the present residence, located approximately one (1) foot from the side yard, located on the rear property line, located at 1214 Shady Lane, Walkerton, Lincoln Twp., zoned R1B.

Wally Pritz seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

Voting Aye: Dwayne Hogan, Wally Pritz and Candice Nelson.

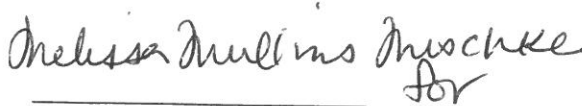
Voting Nay: Glen Minich and Melissa Mullins Mischke


Motion carried 3-2.

Melissa Mullins Mischke made a Motion to adjourn. Candice Nelson seconded.

All approved. Motion carried 5-0.

There being no further business before the Board this evening, meeting adjourned at 6:30 p.m.


Dwayne Hogan, Chairman


Annemarie Polan, Recording Secretary